[27th November 1952

THE HON. SRI M. V. KRISHNA RAO :—" I have already stated in the answer that this particular encroachment occurred during the current year. Wherever there is a report of such encroachments in a specific way, it is being enquired into promptly."

Alleged death of Ravula Subba Rao in police lock-up.

* 181 *Q.*—SRI T. VISWANATHAM : Will the Hon. the Chief Minister be pleased to state—

(*a*) whether a representation, dated 23rd August 1952, from Sri R. Chelapathi Rao of Polavaram, West Godavari district, was received by the Government complaining about the illegal detention of Ravula Subba Rao on 19th August 1952 in a police lock-up without producing him before a Magistrate within 24 hours and his subsequent death while under lock-up; and

(*b*) if so, what action has been taken?

THE HON. SRI C. RAJAGOPALACHARI :—" (*a*) Yes.

" (*b*) The illegal detention referred to is being enquired into by the District Superintendent of Police, West Godavari district. As a result the station-writer, one head constable and five constables are facing charges for dismissal. The Government are awaiting the final report in the matter.

As regards the death of Ravula Subba Rao in the police lock-up the matter was immediately enquired into by a Second-class Magistrate who held the inquest, and after examining all the necessary witnesses including two daughters of the deceased the Magistrate returned a verdict of death due to suicide. The body was sent for post-mortem examination and the Medical Officer found that the death was due to asphyxia due to hanging. The District Superintendent of Police, reported the death to the Subdivisional Magistrate, Kovvur, on 22nd August 1952. He immediately took up the enquiry and as allegations of a police torture and homicidal death were made, the Subdivisional Magistrate had the body exhumed and examined by the Additional District Medical Officer on 24th August 1952. The Additional District Medical Officer gave it as his opinion that the death was due to asphyxia due to hanging as a result of suicide. There were no grounds to suspect that he was beaten to death as there were no injuries, external or internal. The Subdivisional Magistrate examined in all 24 witnesses who offered to give evidence, and came to the conclusion that the deceased was dispirited and committed suicide by hanging himself by the neck while in police custody. The Government have gone through the Subdivisional Magistrate's report and do not find reasons to differ from the First-class Magistrate's finding."

27th November 1952]

SRI T. VISWANATHAM :—" It is very unfortunate that I am bringing to the notice of the Hon. the Chief Minister so many cases of this type and in every case the Hon. the Chief Minister says that the death is due to suicide. May I know, Sir, if it was a case of suicide, what conditions there were for inducing the prisoner in the lock-up to commit suicide and whether the people in charge are not responsible to save the life of a prisoner in the lock-up? "

THE HON. SRI C. RAJAGOPALACHARI :—" The man had been previously convicted of the same kind of offence, namely, cycle theft and this was a charge of another cycle theft and the ownership of the cycle was also traced. The man was posing as a respectable citizen in the village and he had arranged for the marriage of his daughter. All these things might have contributed to a desire on his part to put an end to his own life as he was about to face a disgrace."

SRI T. NAGI REDDI :—" ఆ మనిషి యొక్క ప్రవర్తన ఏమి బాగా లేదు, అందుచేతనే, తన ప్రవర్తన బాగా లేనందువలనే ఆ మనిషి చనిపోవడానికి కారణమైనదని మంత్రిగారు చెప్పడానికి ప్రయత్నిస్తున్నారు. అయితే నేను అడుగుచున్నటువంటి ప్రశ్న ఏమిటంటే, ఒక మనిషిని 24 గంటల సేపు పోలీసువారు illegal గా lock-up లో ఉంచిన తరువాత ఆ మనిషి ఆ 24 గంటలలోపలనే suicide చేసుకొన్నాడని మీరు చెప్తూన్న సందర్భంలో ఆ మనిషి యొక్క శవాన్ని ఆతని బంధువులకు కూడా ఇవ్వకుండా దాచి ఉంచి ప్రభుత్వమే dispose of చేయవలసిన అవసరమేమి ఉన్నది. ఇందులో ప్రభుత్వము guilty conscience తో ఉన్నందువల్ల భయపడుచూ దీనిని దాచి ఉంచి ఎవరికిని చూపకనే ఆ విధంగా dispose of చేసింది. అని అభిప్రాయపడు తున్నటువంటి ప్రజలకు మీరు ఇచ్చే జవాబు ఏమిటి ?"

THE HON. SRI C. RAJAGOPALACHARI :—" The long lecture made by the hon. Member in substance meant that the Government are trying to hide the truth. I deny the allegation, Sir."

SRI T. VISWANATHAM :—" In view of the denial of the Hon. the Chief Minister, may I ask whether it is or is not a fact that the wife and children of the deceased requested that the body should not be disposed of until the District Medical Officer came and whether the representation was agreed to and if so, why was it disposed of without the District Medical Officer coming? "

THE HON. SRI C. RAJAGOPALACHARI :—" When the family wanted the District Medical Officer to be brought to examine the body, the Sarishtadar-Magistrate went up to the other hospital where the body had been sent up for examination. Before he went up the post-mortem examination had been concluded. The body was exhumed thereafter and it was examined. On the whole, Sir, I want to ask the Leader of the Opposition who put this question not to be obsessed with a prejudice and without enquiring into the matter to imagine that the police always go wrong and that cycle thieves are always innocent."

[27th November 1952

SRI T. VISWANATHAM :—" I do not want to imagine that the police are always in the wrong. I am drawing the attention of the Hon. the Chief Minister to a few cases where I am perfectly convinced that death is due to police beating. In regard to this case, Sir, may I know from the Hon. the Chief Minister why the relations were prevented from seeing the dead body if it is a case of mere suicide? "

THE HON. SRI C. RAJAGOPALACHARI :—" That is not correct, Sir. There was a gentleman, I think he was the local M.L.A., who produced all the witnesses that he desired to be examined and they were all examined and there was no question of preventing anybody from seeing anything."

SRI M. HANUMANTHA RAO :—" అధ్యక్షా, sub-jail లో custody లో ఉన్నటువంటి మనిషి చనిపోయాడని, అందులోను hanging వల్ల చనిపోయాడని చెప్పుచున్నారు. సాధారణంగా sub-jail లో గాని లాకప్‌లో గాని ఎప్పుడూ duty staff ఉంటుంది. తరువాత hanging పరికరాలు ఏవి లేకుండా చేస్తారు. అటువంటి సందర్భంలో పోలీసు కస్టడీలో చనిపోయాడని, అందులోను hanging ద్వారా చనిపోయాడనునది చాలా అసందర్భంగాను, అసంభవముగాను కనబడుచున్నది. దీనికి ముఖ్య మంత్రిగారు ఏమి సమాధానము చెప్పుతారు."

10-50 a.m. THE HON. SRI C. RAJAGOPALACHARI :—" There was no question of sub-jail in the matter. It was a death in the police lock-up. Because the death was reported, the Sub-divisional Magistrate was called to hold a special enquiry and the persons who were on sentry duty and the persons who were in charge of the station, the writer, police constables were all subjected to departmental enquiry. There is no evidence for putting them upon a charge of murder."

SRI P. S. RAMACHANDRA RAO :—" నేను అక్కడ ఉండినాను, ఈ విషయములో సాక్ష్యము ఇవ్వడానికి సాక్షులను తీసుకొని R.D.O. వద్దకు వెళ్లినప్పుడు, ఈ పోలీసులంతా సాక్ష్యులను బెదరించడంవల్ల వారు సరిగా చెప్పలేకపోయే ఇబ్బంది ఏర్పడింది. అక్కడ ఉన్న sweeper మొదలైనవారు చూచినటువంటి వారు ఉండినప్పటికిగూడ వారు భయంచి సాక్ష్యము ఇవ్వలేక పోయారు. అప్పుడు మేము ఈ [illegible] పోలీసులు ఎదుట ఉండడంవల్ల సాక్షులు భయపడుతున్నారు కనుక, దీనిని విచారించేవరకు పోలీసులను suspend చేయవలసిందని చెప్పినాము కూడా, దానిని వినిపించుకోకుండా వారికి అనుకూలంగా ఇచ్చినటువంటి సాక్ష్యాని మాత్రము అంగీకరించారు. ముఖ్యముగా గ్రామాధికారి దెబ్బలు కొట్టినప్పుడు చూసినట్లుకూడ విన్నాము. తరువాత A.D.M.O. వచ్చేదాక దీనిని post mortem చేయకూడదన్నప్పటికి విన లేదు. దీని కంతటికి ఏమి కారణమో చెప్పుతారా? "

MR. SPEAKER :—" Let the hon. Member put it in the form of a question."

THE HON. SRI C. RAJAGOPALACHARI :—" I think the gentleman who spoke last was the M.L.A. to whom I referred. He says, he produced witnesses and he wanted the officers concerned to be suspended before the enquiry could be conducted. The normal procedure is for the magistrate to conduct the enquiry according to his discretion and

27th November 1952]

according to law. The local M.L.A. cannot lay down a new rule of procedure to the magistrate that certain officers should be discharged or dismissed or transferred before the enquiry could be got through. The enquiry had to be finished and it could not be postponed. I do not think that we can go behind the magisterial enquiry. The Government cannot afford to have an appeal in the Assembly over the facts and procedure and magisterial enquiries. If the hon. Member or anybody else had any grievance, it was open to them to file a complaint of murder and proceed with it and it has not been done."

SRI T. VISWANATHAM :—" Was the evidence of the sweeper who was in charge of the building and who was reported to have seen the beating by the police and who offered to give evidence, taken by the Subdivisional Magistrate when he conducted the enquiry? "

THE HON. SRI C. RAJAGOPALACHARI :—" As I said, I have disclosed all that happened. As far as I can see from the papers, 24 witnesses who were put forward by the M.L.A. who spoke before the hon. Leader of the Opposition has spoken were examined. From the records I could not say what the magistrate did or did not do. It is not possible for me to say it because there is no record for such a thing."

SRI T. NAGI REDDI :—" ప్రధాన మంత్రిగారు చెప్పుతున్నటువంటి answers లో ఒక ముఖ్యమైనటువంటి విషయమున్నది. ఎప్పుడైతే పోలీసుల మీద నేరారోపణ జరిగిందో, అటువంటి సందర్భంలో దీన్ని గురించి enquiry చేసే సమయంలో enquire చేస్తున్నవారు పోలీసులను తమ ప్రక్కన ఉంచుకొని enquiry చేయడంవల్ల ప్రజలు తమ అభిప్రాయాలను చెప్పుటకు వీలులేని పరిస్థితులు కల్పిస్తున్నారు. కాబట్టి వారిని దగ్గర ఉంచుకోకుండా విచారణ జరుపమంటే, దీన్ని నిరాకరించడానికి ఏమి కారణమో తెలుపుతారా."

THE HON. SRI C. RAJAGOPALACHARI :—" The hon. Member is following the genius of the language. He does not put a question but has argued that when a magisterial enquiry is taking place in the nature of an inquest according to the law in such cases, that officer should be held up for transfer and suspension. If such a thing takes place, it has to go to another magistrate. Can a magistrate postpone the enquiry of this kind because someone desires that some police officer should be suspended or transferred? All the interpellations start from two fundamental fallacies, namely, (1) that we can hold a court of appeal now over magisterial enquiries, and (2) that the opinion of the public is more important than the verdict of a magistrate."

SRI V. BALAKRISHNAN :—" Did the lock-up contain instruments helpful to prisoners to commit suicide? "

THE HON. SRI C. RAJAGOPALACHARI :—" The man was found actually hanging from the beam of the roof. There is no question of any instruments."

SRI P. RAMAMURTHI :—" In view of the fact that when a prisoner goes inside the police lock-up, the police generally search him completely to see that there are no implements or cloth or rope which will enable him to commit suicide, how does the Hon. the Chief Minister explain the story that in this particular case inside the lock-up, the man was found hanging from the beam? "

THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Ramamurthi should go to court and explain his position. If I am appointed Judge, I would give the answer."

SRI T. VISWANATHAM :—" Does the evidence disclose that the hanging was by a piece of cloth or by a rope? If it is by cloth, what was the colour of the cloth? " (Laughter.)

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I do not propose to hold an enquiry here."

SRI R. SIDDANNA GOWD :—" Were there no sentries in the lock-up to watch the prisoners? "

THE HON. SRI C. RAJAGOPALACHARI :—" As I said, all the police officers in the station—the writer, the sentry and the constables—are under departmental enquiry and if the hon. Member will wait for a few more days, I will be able to tell him, who were dismissed and who were not dismissed among them. The charge, the departmental charge, against them is that they allowed the man to be locked up for more than 24 hours and it should have been reported earlier. But that is not the charge in the interpellations. The charge is now the death itself. The enquiry is going on and it will be finished soon. But so far as the culpability for the death is concerned, the inquest and the medical opinion have led to this result which I have put forward. If hon. Members always presume the guilt of the police and the innocence of the other party, I cannot be arguing."

SRI T. VISWANATHAM :—" We do not presume the guilt of the police. At the same time, I want the Hon. the Chief Minister not to presume the guilt of the under-trial prisoner. While I appreciate that action has been taken with regard to the illegal detention for more than 24 hours, I want to know whether the witnesses have disclosed the time of the suicide."

THE HON. SRI C. RAJAGOPALACHARI :—" He was found hanging at 3 a.m. on the 21st August. He was arrested on the 19th and he slept there that night. On the night of 20th he must have committed suicide."

SRI T. VISWANATHAM :—" Was there evidence that he actually died much earlier and that the discovery of hanging was only at 3 o'clock? "

THE HON. SRI C. RAJAGOPALACHARI :—" That is a re-statement of the charge that the police killed him. That is all. It does not amount to anything more."